

AMENDMENTS TO THE DRAWINGS

Attached hereto is one (1) corrected formal drawing that complies with the provisions of 37 C.F.R. § 1.84. The replacement drawing incorporates the following drawing changes:

Fig. 18: The label "Prior Art" was added.

It is respectfully requested that the attached replacement drawing be approved and made a part of the record of the above-identified application.

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-11 are pending in the present application, with claims 1, 5, 10, and 11 being independent. Claim 11 has been added by this amendment, which does not add any new subject matter.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication on page 3 of the outstanding Office Action that claims 1-3 and 5-10 are allowed. For at least the reasons detailed below, Applicants respectfully submit that all pending claims should be considered allowable.

Applicants note that on page 4 of the Office Action, the Examiner identifies certain features of the claims as not being taught by the cited art. Applicants respectfully submit that these features should not be construed as being the only features that define over the cited art, but that the features in their combination define over the cited art.

Drawings

The Examiner objected to Fig. 18 stated that it should be designated by a legend.

Applicants submit herewith a replacement figure, labeling Fig. 18 as "Prior Art."

Accordingly, withdrawal of the objection is respectfully requested.

Specification

The Examiner objected to the title stating that the title of the invention is not descriptive. Applicants have amended the title according to the Examiner's suggestion, in which the title now recites: "HYBRID SR/GBN MODE REQUEST REPEAT COMMUNICATION SYSTEM."

Accordingly, withdrawal of the objection to the title is respectfully requested.

The Examiner also objected to the specification alleging that the specification is not clear, concise, and exact. Applicants have reviewed the specification and have amended the specification in an effort to make the specification clear, concise, and exact. No new subject matter has been added by these amendments.

Accordingly, withdrawal of the objection is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

The Examiner rejected claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Specifically, the Examiner states that claim 4 fails to have a clear meaning to one of ordinary skill in the art because it recites, "which are generated in the past without consecution."

Consecution is defined as "a succession or series of any kind," see Webster's Revised Unabridged Dictionary, Copyright 1996, 1998 MICRA, Inc. In other words, claim 4 recites that the threshold setting means sets a threshold in accordance with a rate of errors, and that these errors are previously generated without being in series.

Accordingly, it should be clear that in view of the definition of consecution, that claim 4 is definite, and therefore, Applicants respectfully request that the Examiner withdraw the rejection.

New independent claim 11 should be considered allowed at least because the cited art fails to teach or suggest the combination of elements including at least "a threshold setting unit for setting the threshold on the basis of a status of transmission associated with the transmission station and the receiving station," as recited in claim 11.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is,

therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOIASCH & BIRCH, LLP

By 

Michael K. Mutter, Reg.#29,680

0925-0191P
MKM/MRG:tm

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Replacement Drawing - One (1) Sheet